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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/421,005	10/20/1999	KOTA ARIYAMA	1614.1003	3533

21171 7590 04/03/2003

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EXAMINER

MYERS, PAUL R

ART UNIT

PAPER NUMBER

2189

DATE MAILED: 04/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/421,005

Applicant(s)

ARIYAMA, KOTA

Examiner

Paul R. Myers

Art Unit

2189

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1/14/03 have been fully considered but they are not persuasive.

In regards to applicants argument that the rejection compares the "entry information" to the claimed "instruction information": The rejection actually compared the "set of callable functions 106" to the claimed "instruction information" which includes a set of what functions are available not just the addresses of these functions. The examiner notes the entry information which is apparently just the addresses of the callable functions also reads on the incredibly broad claim language. The examiner notes the claim language is broad enough that the client could be read upon the information processing apparatus, the proxy server read as the operating apparatus and the server read as the apparatus to be operated.

In regards to applicants argument that the "entry information" is used for accessing a function that the server can supply (the examiner notes the callable functions is the functions used to operate the attached hardware Column 1 lines 56-62) and is somehow different from the "instruction information" that is used for operating the apparatus to be operated. The examiner cannot see how these two items are different since they perform the exact same function.

In regards to applicants argument the called function is not for an apparatus to be operated that is connected to the information processing apparatus (server): According to Column 1 lines 56-62 the function is for the hardware attached to the server.

In regards to applicants argument that the request goes from the proxy server to the real server: This is correct the request however the request starts at the client goes to the proxy server

then to the real server before returning to the client. The examiner notes the claim language is broad enough that the client could be read upon the information processing apparatus, the proxy server read as the operating apparatus and the server read as the apparatus to be operated. The examiner notes the requested information is obtained from the hardware operated.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama et al PN 6,304,894.

In regards to claims 1, 6, 8, 10 and 11: Nakayama et al teaches An information processing apparatus (server) to which an operating apparatus (client) and an apparatus to be operated (hardware attached to server) are connected, said information processing apparatus comprising: an instruction information send part (714) which reads the instruction information (712) from the instruction information storing part (712) in response to a request (708) from said operating apparatus and sends said instruction information (712) to said operating apparatus (client). Nakayama et al teaches sending the set of callable functions however Nakayama et al does not expressly teach maintaining a cache of the set of callable functions. Nakayama et al teaches obtaining the set of callable functions from the hardware. Official notice is taken that data caches are well known. It would have been obvious to a person of ordinary skill in the art at

the time of the invention to maintain a cache of callable functions in the server because this would have eliminated the delay in obtaining the set on subsequent requests for the callable functions.

In regards to claims 2, 7 and 9: Nakayama et al teaches obtaining said set of callable functions from said hardware.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama et al PN 6,304,894 as applied to claim 1 above, and further in view of Miller PN 6,178,199.

In regards to claim 3: Nakayama et al does not teach the callable functions including the communications type. Miller teaches requesting the communication protocol. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include protocol information because this would have allowed connection with hardware with diverse protocols.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama et al PN 6,304,894 in view of Miller PN 6,178,199 as applied to claim 3 above, and further in view of Worley et al PN 5,481,742.

In regards to claim 4: Miller does not expressly teach converting protocols. Worley teaches converting protocols. It would have been obvious to convert protocols because this would have allowed connection with hardware with diverse protocols.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama et al PN 6,304,894 as applied to claim 1 above, and further in view of Worley et al PN 5,481,742.

In regards to claim 5: Nakayama et al does not expressly teach the hardware being a printer. Worley teaches the device being a printer. It would have been obvious to connect to a printer because this would have allowed printing.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul R. Myers whose telephone number is 703 305 9656. The examiner can normally be reached on Mon-Thur 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on 703 305 4815. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703 746 7239 for regular communications and 703 746 7239 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 3900.

PRM
April 2, 2003



PAUL R. MYERS
PRIMARY EXAMINER